

REMARKS

The Examiner has required restriction of the claims as follows:

- I. Claims 1-14, drawn to a method of preparing microcapsules; and
- II. Claims 15-38, drawn to a microcapsules.

Applicants elect **Group II**, with traverse. The Examiner asserts that the claims lack unity of invention because the special technical feature (identified by the Examiner) common to Groups I and II is found in the prior art. (Office Action, page 4) However, PCT Rule 13.2 requires that the special technical features providing a technical relationship between the claimed inventions must be considered **as a whole** to determine the contribution that each of the claimed inventions makes over the prior art. Here, the Examiner has not considered the contribution of special technical feature **as a whole** over the prior art but rather one limitation in isolation. Accordingly, Applicant respectfully requests that the requirement for restriction for lack of unity of invention be withdrawn.

In the event that the elected claims are found allowable, Applicant requests rejoinder of the method claims of Group I. *See* MPEP § 821.04(b).

The Examiner further requires election of a species as follows:

- a) Water-soluble coating and water-insoluble active ingredient (claims 15-21 and 27-32); and
- b) Water-insoluble coating and water-soluble active ingredient (claims 22-26 and 33-38).

Applicants elect **Species b**. Claims **22-26 and 33-38** read on the elected subject matter.

Accordingly, Applicants respectfully request consideration of claims 22-26 and 33-38.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

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